

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

STATE OF DELAWARE DEPARTMENT :  
OF NATURAL RESOURCES AND :  
ENVIRONMENTAL CONTROL, :  
: Plaintiff, :  
: : C.A. No. 09-821 -SLR  
v. :  
: :  
UNITED STATES ARMY CORPS OF :  
ENGINEERS, *et al.*, :  
: Defendants.

**STIPULATION AND ORDER REGARDING  
BRIEFING ON MOTION FOR LEAVE TO INTERVENE**

WHEREAS, the proceedings have been expedited due to the pendency of a Motion for Preliminary Injunction (D.I. 3) filed by Plaintiff State of Delaware Department of Natural Resources and Environmental Control (“DNREC”); and

WHEREAS, Proposed Intervenor-Defendant Philadelphia Regional Port Authority (“PRPA”) has filed a Motion for Leave to Intervene (D.I. 10) and Plaintiff DNREC has stated its intention to oppose the motion; Proposed Intervenor-Defendant PRPA respectfully requests an Order modifying the briefing schedule as set by the Local Rules;

IT IS HEREBY STIPULATED by Proposed Intervenor-Defendant PRPA, and Plaintiff DNREC, subject to the Court’s approval, that:

1. Plaintiff DNREC shall file a response to PRPA’s Motion to Intervene on or before November 13, 2009; and
2. PRPA shall file a reply, if any, on or before November 16, 2009.

Dated: November 12, 2009

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STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

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*Attorneys for Plaintiff*

*Delaware Department of Natural Resources and*

*Environmental Control*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2009.

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Honorable Sue L. Robinson  
United States District Judge